

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON BUSINESS AND LABOR**

**Call to Order:** Chair Elsie Arntzen, on February 17, 2011 at 8:00 AM, in Room 172  
Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Elsie Arntzen, Chairman (R)  
Rep. Carlie Boland (D)  
Rep. Christy Clark (R)  
Rep. Virginia Court (D)  
Rep. Lila Walter Evans (R)  
Rep. Timothy Furey (D)  
Rep. Harry Klock (R)  
Rep. Michele Reinhart (D)  
Rep. Daniel R. Salomon (R)  
Rep. Sterling Small (R)  
Rep. Cary Smith (R)  
Rep. Gordon Vance (R)  
Rep. Jeffery W. Welborn (R)

**Members Excused:** Rep. Tom Berry, Vice Chairman (R)  
Rep. Chuck Hunter, Vice Chairman (D)  
Rep. Edward Greef (R)  
Rep. Jonathan McNiven (R)  
Rep. Pat Noonan (D)  
Rep. Scott Reichner (R)  
Rep. Matthew M. Rosendale Sr (R)  
Rep. Carolyn Squires (D)

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Branch  
Sandra Sullivan, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 415, 2/14/2011; HB 461, 2/14/2011; HB 487, 2/14/2011; HB 505, 2/14/2011; HB 511, 2/14/2011; HB 525, 2/14/2011; HJ 10, 2/14/2011; HB 547, 2/14/2011

Executive Action: HB 396, HB 405, HB 451 and HB 511

**HEARING ON HB 415**

**Opening Statement by Sponsor:**

00:01:43 Rep. Dick Barrett (D), HD 93, opened the hearing on HB 415, Revise limited liability company law to allow low-profit companies.

**Proponents' Testimony:** None

00:01:49 Vice Chairman Berry and Rep. McNiven arrived.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:03:13 Rep. Barrett

**HEARING ON HB 511**

**Opening Statement by Sponsor:**

00:03:23 Rep. Gordon Hendrick (R), HD 14, opened the hearing on HB 511, Revise electrician laws.

**Proponents' Testimony:** None

00:04:09 Rep. Reichner arrived.

00:04:30 Vice Chairman Berry left.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:04:42 Rep. Hendrick

**EXECUTIVE ACTION ON HB 415**

00:05:27     **Motion/Vote:** Rep. Arntzen moved that **HB 415 BE TABLED**. Motion carried 15-0 by voice vote present and voting

**EXECUTIVE ACTION ON HB 511**

00:05:37     **Motion/Vote:** Rep. Arntzen moved that **HB 511 BE TABLED**. Motion carried 15-0 by voice vote present and voting.

**HEARING ON HB 461**

**Opening Statement by Sponsor:**

00:06:00     Rep. Kathleen Williams (D), HD 65, opened the hearing on HB 461, Provide opt-out policy for phone books.

[EXHIBIT\(buh39a01\)](#)

[EXHIBIT\(buh39a02\)](#)

**Proponents' Testimony:** None

00:07:46     Rep. Squires and Rep. Noonan arrived.

00:09:34     Rep. Rosendale arrived and Vice Chairman Berry returned.

**Opponents' Testimony:**

00:12:53     Larry Angove, President and Chief Executive Officer, Association of Directory Publishers

[EXHIBIT\(buh39a03\)](#)

[EXHIBIT\(buh39a04\)](#)

00:19:10     Phil Maxwell, 3 Rivers Telephone Cooperative

00:21:26     Bonnie Lorang, General Manager, Montana Independent Telephone Systems (MITS)

**Informational Testimony:**

00:22:50     Ed Thamke, Bureau Chief, Waste and Underground Tank Management Division, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

00:23:19     Rep. Furey

00:23:34     Mr. Angove

00:23:42     Rep. Furey

00:23:57     Mr. Angove

00:24:35     Rep. Furey

00:24:55     Mr. Angove

00:25:32     Rep. Furey

00:26:09     Mr. Angove

00:26:54     Rep. Squires

00:27:36 Mr. Angove  
00:28:40 Rep. Squires  
00:29:12 Mr. Angove  
00:30:07 Rep. Court  
00:30:26 Mr. Angove  
00:31:01 Rep. Court  
00:31:33 Mr. Angove  
00:32:22 Chairwoman Arntzen  
00:32:30 Mr. Angove

**Closing by Sponsor:**

00:33:44 Rep. Williams

**HEARING ON HB 487**

**Opening Statement by Sponsor:**

00:37:28 Rep. Christy Clark (R), HD 17, opened the hearing on HB 487, Provide life insurance for certain nonspecified discretionary groups.

**Proponents' Testimony:**

00:39:45 Jacqueline Lenmark, American Council of Life Insurers

**EXHIBIT(buh39a05)**

00:42:41 Rep. Greef arrived.

00:42:50 Dwight Easten, Farmers Insurance Group

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:43:25 Chairwoman Arntzen

00:43:38 Ms. Lenmark

**Closing by Sponsor:**

00:44:21 Rep. Clark

**HEARING ON HB 505**

**Opening Statement by Sponsor:**

00:45:08 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 505, Revise workers compensation for certain firefighter conditions.

**Proponents' Testimony:**

00:56:10 Joseph Sands, Billings Fire Department

**EXHIBIT(buh39a06)**

00:57:53 Rep. Hunter returned.

01:03:47 Dan Lacey, Fire Fighter, Butter Silverbow Fire Department and Montana Firemen's Association

01:06:48 Kurt Bushnell, Montana State Firemen's Association

**EXHIBIT(buh39a07)**

01:09:59 Leonard Lundby, Montana Fire Alliance

01:10:44 Rick Ryan, Butte Silverbow Fire Department

**EXHIBIT(buh39a08)**

01:11:41 Doug Neil, Montana State Firemen's Association

01:14:05 Al Smith, Montana Trial Lawyers' Association

**Opponents' Testimony:**

01:15:02 Mike Sehestedt, Montana Association of Counties

**EXHIBIT(buh39a09)**

01:21:46 Kevin Braun, Montana State Fund

**EXHIBIT(buh39a10)**

01:27:54 Jacqueline Lenmark, American Insurance Association

01:29:02 Stave Wade, Montana Municipal Interlocal Authority (MMIA)

01:31:07 Bob Worthington, Montana Self Insurers Association

01:32:45 Harold Blattie, Montana Association of Counties and Former Firefighter

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:35:39 Rep. Noonan

01:35:55 Mr. Blattie

01:36:34 Rep. Noonan

01:37:04 Mr. Braun

01:37:14 Rep. Noonan

01:37:40 Rep. McNiven

01:38:38 Mr. Sands

01:39:16 Rep. McNiven

01:39:36 Mr. Sands

01:40:11 Rep. McNiven

01:40:25 Mr. Sands

01:41:36 Mr. Ryan

01:43:45 Rep. Furey

01:44:20 Mr. Sands

01:44:41 Mr. Neil

01:45:05 Rep. Furey

01:45:41 Mr. Braun

01:45:58 Rep. Furey

01:46:31 Mr. Braun

01:47:02 Rep. Furey

01:47:34 Mr. Neil

01:49:08 Rep. Furey

01:50:02 Mr. Sehestedt

01:52:21 Rep. Reinhart

01:52:38 Mr. Smith

01:53:38 Rep. Reinhart

01:53:49 Mr. Smith

01:53:51 Vice Chairman Hunter  
01:55:24 Mr. Sehestedt  
01:56:45 Vice Chairman Hunter  
01:57:09 Mr. Wade  
01:57:39 Vice Chairman Hunter  
01:58:30 Mr. Wade  
01:59:06 Vice Chairman Hunter  
01:59:38 Mr. Worthington  
02:00:20 Chairwoman Arntzen  
02:00:30 Mr. Neil  
02:02:01 Chairwoman Arntzen  
02:02:03 Mr. Neil  
02:03:35 Rep. Boland  
02:04:18 Mr. Braun  
02:04:33 Rep. Boland  
02:04:34 Mr. Braun  
02:05:09 Rep. Furey  
02:06:00 Mr. Braun  
02:06:54 Rep. Squires  
02:07:09 Mr. Braun  
02:07:27 Rep. Squires  
02:07:41 Mr. Braun  
02:07:54 Rep. Squires  
02:08:02 Mr. Braun  
02:08:12 Rep. Squires  
02:08:14 Mr. Bruan  
02:08:20 Rep. Squires  
02:09:40 Mr. Braun  
02:09:47 Rep. Squires  
02:10:34 Vice Chairwoman Arntzen  
02:11:02 Mr. Sands  
02:12:01 Vice Chairwoman Arntzen  
02:12:22 Mr. Sands  
02:13:11 Vice Chairwoman Arntzen  
02:13:30 Mr. Sands  
02:15:41 Vice Chairwoman Arntzen  
02:16:07 Mr. Sands

**Closing by Sponsor:**

02:17:02 Rep. Hill

**HEARING ON HB 547****Opening Statement by Sponsor:**

02:20:13 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 547, Provide insurance coverage for RN specialists who assist physicians.

**Proponents' Testimony:**

02:22:23 Keith Keierleber, Surgical First Assistant, RN, CNOR, and CRNFA

[EXHIBIT\(buh39a11\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:28:54 Chairwoman Arntzen  
02:29:09 Rep. Peterson  
02:29:51 Chairwoman Arntzen  
02:30:04 Mr. Keierleber  
02:30:42 Chairwoman Arntzen  
02:30:46 Mr. Keierleber  
02:33:17 Chairwoman Arntzen  
02:33:30 Mr. Keierleber  
02:33:37 Rep. Squires  
02:34:25 Jack Kane, Department of Labor and Industry (DLI)  
02:34:36 Rep. Squires  
02:35:23 Mr. Kane  
02:35:44 Rep. Squires  
02:35:50 Mr. Keierleber  
02:36:00 Rep. Squires  
02:36:29 Mr. Keierleber  
02:36:36 Rep. Squires  
02:36:43 Mr. Keierleber  
02:38:07 Rep. Squires  
02:38:11 Mr. Kane  
02:38:39 Rep. Court  
02:39:23 Rep. Peterson  
02:40:00 Rep. Court  
02:40:13 Rep. Peterson  
02:40:31 Rep. Court

**Closing by Sponsor:**

02:40:41 Rep. Peterson

**HEARING ON HJ 10**

**Opening Statement by Sponsor:**

02:42:20 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HJ 10, Resolution against Citizens United decision.

[EXHIBIT\(buh39a12\)](#)

[EXHIBIT\(buh39a13\)](#)

**Proponents' Testimony:**

02:54:36 Rep. Greef returned.  
02:55:07 Shelbi Dantic, Montana Public Interest Research Group (MontPIRG)

**EXHIBIT(buh39a14)**

02:56:11 Robert Filipovich, Citizen  
02:59:18 Molly Severtson, The Policy Institute  
03:00:54 Mr. Smith

**EXHIBIT(buh39a15)**

03:03:49 Stan Frasier, Citizen  
03:10:36 Cedron Jones, Citizen  
03:15:35 Chairwoman Arntzen  
03:15:42 Mr. Jones

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:19:56 Rep. Reinhart  
03:20:12 Rep. Hill  
03:20:15 Rep. Reinhart  
03:21:25 Mr. Smith

**Closing by Sponsor:**

03:22:38 Rep. Hill

**HEARING ON HB 525**

**Opening Statement by Sponsor:**

03:26:02 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HB 525, Revise business and professional licensing laws to provide termination review.

**Proponents' Testimony:**

03:27:49 Jack Kane, Business Standards Division, DLI

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:28:23 Rep. Greef  
03:29:08 Rep. McNiven  
03:29:19 Chairwoman Arntzen  
03:29:40 Mr. Kane  
03:30:28 Chairwoman Arntzen  
03:30:59 Mr. Kane  
03:31:20 Rep. Reinhart  
03:31:38 Mr. Kane



03:32:14 Rep. Reinhart  
03:32:20 Mr. Kane  
03:32:49 Rep. Reinhart  
03:33:03 Mr. Kane  
03:33:16 Rep. Reinhart  
03:33:33 Rep. McNiven  
03:34:02 Rep. Reinhart  
03:34:15 Rep. McNiven

**Closing by Sponsor:**

03:34:48 Rep. McNiven

03:35:14 Recessed  
03:43:29 Resumed  
03:44:16 Rep. Clark and Rep. Furey did not return.

**EXECUTIVE ACTION ON HB 341**

03:44:50 **Motion:** Rep. Smith moved that **HB 341 DO PASS.**

**Discussion:**

03:45:04 Rep. Smith  
03:45:35 Mr. Campbell

03:46:58 **Motion:** Rep. C. Smith moved that **HB 341 BE AMENDED.**

**EXHIBIT(buh39a16)**

**Discussion:**

03:46:59 Rep. Smith

03:48:07 **Vote:** Motion carried unanimously by voice vote. Rep. Clark and Rep. Furey voted by proxy. Rep. Clark and Rep. Furey voted by proxy

03:48:36 **Motion:** Rep. C. Smith moved that **HB 341 DO PASS AS AMENDED.**

**Discussion:**

03:48:41 Rep. Court  
03:48:53 Rep. Smith  
03:49:16 Rep. Squires  
03:49:39 Rep. Smith  
03:49:50 Rep. Squires  
03:50:00 Rep. Smith

03:50:17 **Vote:** Motion carried 19-2 by voice vote with Rep. Boland and Rep. Court voting no. Rep. Clark and Rep. Furey voted by proxy.

**EXECUTIVE ACTION ON HB 396**

03:51:21 **Motion:** Rep. Small moved that **HB 396 DO PASS.**

03:52:10 **Motion:** Rep. Small moved that **HB 396 BE AMENDED.**

**EXHIBIT(buh39a17)**

**Discussion:**

03:52:28 Mr. Campbell  
03:54:16 Rep. Squires  
03:54:22 Mr. Campbell  
03:55:58 Chairwoman Arntzen  
03:56:33 Mr. Campbell

03:57:42 **Vote:** Motion carried unanimously by voice vote. Rep. Clark and Rep. Furey voted by proxy.

03:58:06 **Motion:** Rep. Small moved that **HB 396 DO PASS AS AMENDED.**

**Discussion:**

03:58:13 Rep. Small  
03:58:44 Chairwoman Arntzen  
03:58:59 Vice Chairman Hunter  
03:59:29 Chairwoman Arntzen  
03:59:43 Rep. Small  
03:59:51 Rep. Squires  
04:00:44 Rep. Clark returned.  
04:01:28 Rep. Vance  
04:01:48 Rep. Boland  
04:02:02 Mr. Campbell  
04:02:26 Rep. Boland  
04:02:38 Mr. Campbell  
04:03:34 Gloria Hermanson, Montana Medical Association

04:04:28 **Vote:** Motion failed 9-12 by roll call vote with Rep. Arntzen, Rep. Boland, Rep. Furey, Rep. McNiven, Rep. Noonan, Rep. Reinhart, Rep. Salomon, Rep. Small and Rep. Squires voting aye. Rep. Furey voted by proxy.

04:05:46 **Motion/Vote:** Rep. Berry moved that **HB 396 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Furey voted by proxy.

**EXECUTIVE ACTION ON HB 405**

04:06:09 **Motion:** Rep. Berry moved that **HB 405 DO PASS.**

**Discussion:**

04:06:35 Chairwoman Arntzen

04:06:44 **Motion:** Rep. Berry moved that **HB 405 BE AMENDED.**

**EXHIBIT(buh39a18)**

**Discussion:**

04:06:58 Mr. Campbell

04:09:57 Rep. Reinhart

04:10:04 Mr. Campbell

04:10:25 Rep. Reinhart

04:10:36 Mr. Campbell

04:10:45 Rep. Reinhart

04:10:57 Mr. Campbell

04:11:20 Rep. Reinhart

04:13:21 Rep. Court

04:14:21 Vice Chairman Hunter

04:14:56 Rep. Clark

04:15:00 Rep. Furey returned and Rep. Klock left.

04:16:50 Chairwoman Arntzen

04:17:25 **Vote:** Motion carried 15-6 by roll call vote with Rep. Boland, Rep. Court, Rep. Furey, Rep. Hunter, Rep. Reinhart and Rep. Squires voting no. Rep. Klock voted by proxy.

04:18:26 **Motion:** Rep. Berry moved that **HB 405 DO PASS AS AMENDED.**

**Discussion:**

04:18:45 Chairwoman Arntzen

04:19:00 Rep. Greef left.

04:19:30 Vice Chairman Berry

04:19:38 **Vote:** Motion failed 9-12 by roll call vote with Rep. Arntzen, Rep. Clark, Rep. Greef, Rep. Klock, Rep. Reichner, Rep. Rosendale, Rep. Salomon, Rep. Smith and Rep. Vance voting aye. Rep. Greef and Rep. Klock voted by proxy.

04:20:41 **Motion/Vote:** Rep. Berry moved that **HB 405 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Greef and Rep. Klock voted by proxy.

**ADJOURNMENT**

12:25:00      Adjournment

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Sandra Sullivan, Secretary

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Additional Documents:

**EXHIBIT**([buh39aad.pdf](#))